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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Thirtieth session
12-30 January 2004
Item 7 of the provisional agenda*
Ways and means of expediting the work of the Committee

Enhancing the working methods of the Committee under article 18 of the Convention

Parallel working groups for the consideration of periodic reports

Note by the secretariat

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I. Introduction

1. Over the past several months, the secretariat has received a significant number of reports of States parties to the Convention on the Elimination of All Forms of Discrimination against Women for consideration by the Committee on the Elimination of Discrimination against Women. This increase reflects the serious attention States parties give to the treaty obligation, but it may also be due to the Committee's efforts at encouraging States parties to report in a timely manner, the provision of technical assistance by the Committee's secretariat and other entities of the United Nations system, as well as the favourable view of the States parties of the usefulness of reporting and the constructive dialogue with the Committee. As of 30 September 2003, the initial reports of 10 States parties and the periodic reports of 19 States parties awaited consideration by the Committee, eight of which (two initial and six periodic reports) will be taken up by the Committee at its thirtieth session, to be held from 12 to 30 January 2004. Reports are expected to be submitted at a steady pace in the months ahead. Thus, the Committee will be gradually accumulating a backlog of reports awaiting consideration.

2. In addition to its responsibilities under article 18 of the Convention, the Committee regularly makes contributions to United Nations events by highlighting the situation of women and responds to developments that impact on the implementation of the Convention. The Committee also participates in the work of the human rights treaty body system. Since the entry into force of the Optional Protocol to the Convention on 10 December 2000, the Committee also devotes time during its sessions to discuss matters related to the Optional Protocol with regard to its communication and inquiry procedures.

3. In the light of the increase in the work of the Committee, especially with regard to the backlog in the consideration of reports, the Committee held an exceptional session in August 2002 with the approval of the General Assembly. The holding of exceptional sessions, however, places great demands on members' time and may not, in the long run, be the best way for the Committee to discharge all its mandated responsibilities in the most effective and efficient manner. Other options should therefore be envisaged to ensure that the Committee can make optimal use of its time during its two regular sessions. The goal of any improvement in working methods should be to increase the number of reports considered at each session so as to create an incentive for timely reporting, while also allocating sufficient time at each session for discharging the Committee's other tasks, including those under the Optional Protocol.

4. Currently, the Committee meets twice a year, in January and July, for a total of six weeks (three weeks per session). On average, it considers 16 reports of States parties per year, or 8 reports per session (on average four initial and twelve periodic reports). In general, the 30 meetings of each session (of which two meetings are frequently lost to a holiday) are used as follows:

(a) Consideration of initial reports: six meetings;

(b) Consideration of periodic reports: twelve meetings;

(c) Adoption of concluding comments: four meetings;

(d) Opening of the session, adoption of the agenda, report by the Chairperson and closed meeting with entities of the United Nations system on reports before the session: one meeting;

(e) Informal meeting with NGOs: one meeting (in two segments);

(f) Adoption of the report of the session: one meeting.

5. The remaining three to five meetings per session are allocated for considering all other matters, including:

(a) Implementation of article 21 of the Convention, especially elaboration of general recommendations, suggestions and statements by the Committee (time allocated varies);

(b) Ways and means of expediting the work of the Committee, including working methods, and meetings with States parties on various issues (time allocated varies);

(c) Activities under the Optional Protocol (time allocated varies).

6. The present note has been prepared by the secretariat in response to a request made by the Committee at its twenty-ninth session. At that session, the Committee decided, as part of its ongoing efforts to enhance its working methods, and in particular to achieve timely consideration of reports of States parties, to consider the option of holding meetings in parallel working groups for the consideration of periodic reports submitted under article 18 of the Convention. In particular, the Committee asked the secretariat to review the implications, and possible modalities, of the consideration of reports of States parties in two parallel working groups, or chambers. The secretariat was requested to address questions such as the number of reports to be considered, composition of working groups, allocation of reports to working groups, implications with regard to the Committee's rules of procedure, tasks of country rapporteurs and of the pre-session working group, preparation and adoption of concluding comments and implications for secretariat support as well as financial implications.

II. Working groups or chambers

7. The present chapter reviews the implications and possible modalities of the consideration of reports of States parties in two parallel working groups, or chambers. It addresses questions such as implications with regard to the Committee's rules of procedure, the number of reports to be considered per session, the consideration of reports and adoption of concluding comments, the establishment and composition of parallel working groups/chambers, the allocation of reports to working groups/chambers, implications for the pre-session working group and country rapporteurs, implications for secretariat support, and financial implications.

A. Implications with regard to the Committee's rules of procedure

8. It appears that the Committee's rules of procedure are flexible enough to accommodate the work of the Committee in two parallel working groups. In particular, rule 41 on subsidiary bodies provides that "the Committee may set up ad hoc subsidiary bodies and will define their composition and mandates" (rule 41.1). It also states that "each subsidiary body shall elect its own officers and will, mutatis mutandis, apply the present rules" (rule 41.2). This would indicate that no change in the rules would be necessary. Rules such as those on the quorum (rule 29) would also apply, mutatis mutandis, to working groups. Each working group would elect its own officers, which could be those of the Committee, as outlined above. While rule 51 on the examination of reports refers to the Committee's consideration of reports, read in conjunction with rule 41, it would seem to fully accommodate consideration of reports in working groups. At the same time, as the Committee gains experience and develops its practice with new working methods, relevant amendments to the rules of procedure could be introduced. In the past, the Committee has regularly constituted two parallel working groups to consider items such as the implementation of article 21 of the Convention and ways and means of expediting the work of the Committee.

B. Number of reports to be considered per session

9. The Committee has already noted that only periodic reports could be considered in parallel working groups, while initial reports would continue to be considered by the Committee as a whole. The total number of reports to be considered at each session should be flexible, depending on the number of reports awaiting consideration, and on the type of report (initial or periodic) that is available for consideration. There should, however, be a clear increase over the number currently considered at each session, to a minimum of 10 and up to 14 reports, depending on the type of report available for consideration. For instance, the Committee could consider 4 initial reports and 6 periodic reports, or 2 initial reports and 10 periodic reports, or 14 periodic reports. Thus, a total of 20 to 28 reports could be considered by the Committee each year against the current average of 16 reports. The number of submitted periodic reports will increase further over time, while the number of submitted initial reports will decrease. This should be reflected in the flexible scheduling of reports selected for consideration at each session.

C. Consideration of reports and adoption of concluding comments

10. Initial reports would continue to be considered by the Committee as a whole during the first and third week of the session, while periodic reports would be considered in parallel working groups, mostly during the second week of the session.[1] Concluding comments on initial reports would continue to be prepared and adopted by the Committee as a whole, with no change to the current procedure. Concluding comments on periodic reports would be prepared by the working group that considered the report, while their final adoption would be the responsibility of the Committee as a whole. The current procedure for adopting concluding comments would continue to apply.

11. No change would be necessary in the method of preparation of draft concluding comments by country rapporteurs.

D. Composition of parallel working groups and allocation of reports

12. As the Committee comprises 23 experts, one working group would consist of 11, and the other working group of 12 members. Flexibility should be maintained in order to make adjustments for the possible absence of a member for an entire session. The quorum would be six and seven members, respectively (see also above). As the composition of the Committee in terms of geographical distribution usually changes, at least slightly, as a result of elections held every other year, an effort should be made as a matter of principle to achieve an approximate geographical balance in the composition of the two parallel working groups. An expert who is a national of a State party that is presenting its report should participate in the working group that does not consider the report of that State party. It may not be advisable to consider other factors for the composition of the working groups, such as those mentioned in article 17.1 (representation of the different forms of civilization as well as of the principal legal systems), or length of membership on the Committee so as to keep the decisions on the composition of the groups simple and flexible.

13. It may be best for the Bureau to propose, for a decision by the Committee at each session, the composition of the parallel working groups for the subsequent session, concurrently with the assignment of the reports to each working group (see next paragraph). This would suggest that the composition of the working groups would change with each session depending on the reports that will be taken up. While the composition of the working groups could be undertaken at random (for example by drawing lots), this would have the disadvantage of resulting in potentially geographically unbalanced groups, thus creating the need to make adjustments to ensure such balance and to ensure that country rapporteurs are in the group to which their reports are assigned, without disregarding the issue of the nationality of the experts.

14. The selection of the reports to be considered at a subsequent session should be made by the Committee, upon the recommendation of the Bureau, as is also currently the case. The decision on the allocation of reports to the respective working groups should also be made by the Committee, upon recommendation by the Bureau, at the session prior to the one at which the reports will be considered. While reports could be assigned at random, it may be advisable to decide on this issue in a deliberate manner so as to take into account factors such as the geographical diversity of reports and the composition of the working groups. The composition of the working groups and allocation of reports could be reflected in the annual report of the Committee.

15. The Committee elects a Bureau of five office-holders (a Chairperson, three vice-chairpersons and one rapporteur). An effort should be made to have a minimum of two and not more than three office-holders in each working group. In principle, members of the Bureau of the Committee could assume these functions also in the working groups. The Chairperson and one vice-chairperson respectively, could preside the two parallel working groups, and two vice-chairpersons, or one vice-

chairperson and the rapporteur, could take on the responsibilities as Rapporteurs for the working groups (see also para. 8 above).

E. Implications for the work of the pre-session working group and country rapporteurs

16. Preparation of lists of issues and questions for periodic reports would continue to be assigned to the Committee's pre-session working group. The pre-session working group should continue to consist of no more than five members of the Committee and should meet for no more than five days after the session preceding the one at which the periodic reports will be considered so as not to incur additional costs or place additional strain on members' schedules. Depending on the number of periodic reports that will be taken up (between 6 and 10), experts would be responsible for preparing lists of issues and questions for one or two reports, with additional support from the secretariat.

17. The Committee's efforts to achieve participation of country rapporteurs, to the extent possible, in the pre-session working group could not be fully implemented with the maintenance of a five-member pre-session working group that deals with up to 10 periodic reports. It would therefore become essential that country rapporteurs responsible for a specific report but not members of the pre-session working group submit lists of issues and questions to the pre-session working group. This would also reduce the workload on members of the pre-session working group.

F. Implications for secretariat support

18. The Division for the Advancement of Women is responsible for providing the Committee and its pre-session working group with technical and substantive servicing. While much of this work and in-session servicing, is assigned to the Women's Rights Unit, staff from other areas of the Division and from the Office of the Special Adviser on Gender Issues and Advancement of Women routinely contribute to in-session servicing, especially in the preparation of summaries of the introduction by the State party and in extending support to experts in the preparation of concluding comments. Providing effective support for the Committee and its pre-session working group when it considers a significantly larger number of reports of States parties and devotes more time to its other responsibilities under the Convention and the Optional Protocol would place a significant strain on the resources of the Division, and especially on the staff of the Women's Rights Unit. One step to reduce that burden would be for the Committee to discontinue the inclusion of a summary of the States parties' introductions in its report. This could, for example, be compensated for by routinely placing introductory statements on the web site of the Division in the language in which they are made available electronically. Providing effective support for country rapporteurs would require information for the preparation of lists of issues and questions to be compiled and submitted to country rapporteurs well in advance of the meeting of the pre-session working group so as to ensure timely input to that group (see para. 16 above).

G. Financial implications

19. It is anticipated that additional resources will be necessary to provide required conference services (especially interpretation for both parallel working groups) and to cover the increase in pre-session and in-session documentation for the Committee and its pre-session working group.

Notes

[1] See the annex for a tentative schedule of a regular session of the Committee organized in two working groups/chambers.

Annex

Tentative schedule for a session of the Committee[a]

Week 1	*Week 2*	*Week 3*
Day 1:	**Day 1**:	**Days 1-2**:
Opening of the session Adoption of agenda Report of Chairperson on activities undertaken between sessions Implementation of article 21 of the Convention Ways and means of expediting the work of the Committee Informal meeting with United Nations bodies and specialized agencies Informal meeting with NGOs Working Group of the Whole	Working Group of the Whole, presentations by NGOs Activities under the Optional Protocol	Ways and means, and implementation of article 21, implementation of Optional Protocol
Days 2-3:	**Days 2-4**:	**Day 3**:
Committee of the Whole (plenary) to consider two initial reports	Working group A: consideration of three periodic reports Working group B: consideration of three periodic reports	Working groups A and B: preparation of concluding comments

[a] The present schedule has been prepared on the basis of the Committee's consideration of 2 initial reports and 10 periodic reports. Modifications will be made in the cases in which the Committee considers 4 initial reports and 6 periodic reports or 14 periodic reports.

Week 1	*Week 2*	*Week 3*
		Day 4: Committee of the Whole: preparation and adoption of concluding comments on initial reports Adoption of concluding comments on periodic reports
Days 4-5: Working group A: consideration of two periodic reports Working group B: consideration of two periodic reports	**Day 5**: Committee of the Whole: replies on two initial reports	**Day 5**: Committee of the Whole/Working Group of the Whole: action on all pending/outstanding matters Provisional agenda for the next session of the Committee Adoption of the report of the Committee